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HUMAN RIGHTS COMMITTEE

Forty-seventh session

SUMMARY RECORD OF THE 1225th MEETING

Held at Headquarters, New York,  
on Friday, 2 April 1993, at 3 p.m.

Chairman: Mr. ANDO

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The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Draft general comment on article 18 of the Covenant (continued)

New paragraph 9

1. The CHAIRMAN invited comments on the text of the new paragraph 9, submitted by Mr. Dimitrijević, which read:

"9. Article 18 (3) permits States parties to restrict the freedom to manifest religion or belief only if limitations are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights of others. In determining the values to be protected States parties should proceed from the provisions of the Covenant, in particular those on the protection of the rights of others, equality and non-discrimination (articles 2, 3, 5, and 26). Limitations imposed on manifestations of religion or belief must be established by law and must not be applied in a manner that would vitiate the rights guaranteed in article 18. The Committee observes that paragraph 3 of article 18 is to be strictly interpreted: no grounds for restrictions other than those specified are permissible. In particular, restrictions on the freedom to manifest religion or belief based exclusively on national security [or public order (ordre public)] are not authorized by article 18 (3). Limitations should be applied only for those purposes for which they were prescribed and should be directly related and proportionate to the specific aim on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner. The Committee believes that limitations on the freedom to manifest a religion or belief for the purpose of protecting morals should not be based on a concept of morality derived exclusively from a single religious tradition or ideology. The obligation to provide an effective remedy, stated in article 2 (3) of the Covenant, constitutes a vital safeguard against impermissible limitations of the rights protected by article 18. Because limitations of the rights recognized in article 18 must be exceptional in nature, States parties' reports should provide information on their justification."

2. Mr. SADI, referring to the second sentence of the new paragraph 9, said that the meaning of the word "values" was difficult to grasp, although it apparently meant the determination of the freedom to manifest religion and belief. The precise meaning should therefore be specified. With reference to the fifth sentence, he wished to know on what grounds its content could be justified. As for the eighth sentence, he was not sure how it should be interpreted if, for example, a concept of morality was derived from various religious traditions which were contradictory. While appreciating the difficulties entailed in preparing the draft comment, he believed that it should be made much clearer if States parties were to understand article 18 (3), which now seemed more obscure.

3. Mr. HERNDL, referring to the fifth sentence of the new paragraph 9, said that the words inside the square brackets should be deleted. In all probability, the adjective "public", which appeared in the first sentence, applied to "safety", "order" and "health", as in the case of article 19 (b), which by contrast, repeated the word "public" before each noun to which it applied. In that context, it might be useful to refer to the travaux préparatoires. An important idea contained in the former paragraph 10 had also been excluded, namely that the least restrictive means should be used in imposing a restriction.

4. Mrs. EVATT agreed that, in the fifth sentence, the words inside the square brackets should be removed for that same reason. She also felt that the sense of the other religion in the eighth sentence could perhaps be better encompassed.

5. Mrs. HIGGINS agreed with the suggestion to include a reference to the principle which applied to all restrictions, namely that they should be interpreted conservatively. The obvious place to do so was in the third sentence. She similarly agreed that the meaning of the word "values" in the second sentence was unclear, and also found the word "determining" unsatisfactory. She therefore proposed replacing the phrase "In determining the values to be protected" with "In interpreting the scope of the permissible limitations", and additionally that the entire sentence should be preceded by the present third sentence. Concerning the question of public order, she concurred that, unless it was made clear that "order" and "public order" were synonymous, the phrase should be deleted. She then proposed rephrasing the end of the sixth sentence to read either "proportionate to the specific aim to which they are directed" or "proportionate to the specific need on which they are predicated", believing the latter to be preferable. Turning to the eighth sentence, she asked members to share their views as to whether morality should be interpreted on the basis of being derived exclusively from a single religious tradition. While the manifestation of a religion should never be limited by reference to a single tradition, lack of respect for a religion could properly be based on a single tradition. She proposed that the ninth sentence should be deleted, and that the words "both as a matter of law and in their application in specific circumstances" should be added at the end of the tenth sentence. Lastly, believing that an important omission had been made, she said it should be added that the permitted limitations in paragraph 3 of article 18 referred to the freedom to manifest one's religion or beliefs, but that there was no permitted limitation at all concerning freedom from coercion (para. 2), entitlement to adopt a religion of one's choice (para. 2) or the liberty of parents (para. 4). In other words, it should be clear that the limitation clause applied to the manifestation, since there were no circumstances which would allow coercion or anything else of that nature.

6. Mr. WENNERGREN prefaced his remarks by saying that three steps were involved in determining the extent to which the States parties could decide on limitations to the freedom to manifest religion or belief. The first involved the choice of objects and objectives to be protected against such limitations; the second involved the imposition of the legal rules enforcing those limitations; and the third involved the application of protective rules. He too had difficulty in understanding the second sentence. He therefore proposed that it should simply read: "When selecting objectives and objects necessary to protect against manifestations of religion or belief, States parties should

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proceed from the provisions of the Covenant and the values enshrined in them". The third sentence was accordingly a repetition and should be deleted. As for the fifth sentence, he proposed that it should read: "Restrictions on the freedom to manifest religion or belief based exclusively on national security or public order in the sense of ordre public are not authorized by article 18 (3)". His final proposal was that the sixth sentence should read: "Imposed limitations should be applied only for those purposes for which they were prescribed and should be directly related and proportionate to the specific aim and need on which they are predicated".

7. Mr. POCAR said he shared the views expressed concerning the second sentence of the new paragraph 9. While he approved of Mr. Wennergren's proposal in that regard, he was unhappy in principle with the notion that a State party should have the possibility of selecting. He therefore endorsed the proposal made by Mrs. Higgins, which in his view provided the best clarification. He believed, however, that it would also be safer to add the word "fundamental" before the word "rights", as in article 18 of the Covenant. The problem of public order was more worrying; he wondered how to interpret the limitations in article 18 (3) as compared with those in article 19. It was not clear whether "public" referred only to "safety", or whether it also referred to "order", "health" and possibly even "morals". Evidently, it did not refer to "fundamental rights and freedoms".

8. The French version of article 18 (3) referred to protection de la sécurité, de l'ordre et de la santé publique, ou de la morale. Hence, according to the French text, "safety", "order" and "health" were "public", while "morals" were not. The situation became even more complicated in the light of article 19 (3) (b), which referred to "national security" instead of "public safety", and to "public order" and "public health or morals". It appeared that, in the English version, "morals" were always considered separately while, in the French version of article 19 (3), the word publiques referred to both santé and moralité. In any case, the Committee should say something about all those grounds of limitation instead of just referring to national security, which was understandable only in the light of article 19.

9. In the seventh sentence of paragraph 9, the Committee should make it clear that it was referring not only to discrimination on the basis of religion but also to discrimination based on other grounds, and it might be useful to mention those other grounds in the text.

10. He could agree to the deletion of the penultimate sentence of paragraph 9, which dealt with the obligation to provide an effective remedy. With regard to the last sentence of the paragraph, he wondered whether the exceptional nature of the limitations referred mainly to the State party's interpretation. Perhaps the first part of that sentence should be placed at the top of paragraph 9 and referred to in the context of the need for a strict interpretation of the limitations. In the last sentence of the paragraph, the Committee could indicate that it wanted States parties to report in a detailed manner on any limitations that they might impose on the freedom to manifest religion.

11. Mr. EL-SHAFEI said that the general comment gave rise to complications because the Committee was attempting to address religion and ideology in a single draft. Moreover, there were contradictions between the first sentence of

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paragraph 9, which should be considered as a chapeau for everything that was going to be discussed in other sentences of the text. While the first sentence referred to "public safety", the fifth sentence referred to "national security". Article 18 (3) made no reference to national security, which was not the same thing as public safety. National security had an external dimension, since it could also refer to an external threat. The reference to national security should therefore be deleted.

12. He agreed with Mr. Wennergren that the fourth sentence repeated the same information that was contained in the first sentence. With regard to the fifth sentence, he wished to know why States were not justified in imposing restrictions on the freedom to manifest religion or belief if the purpose of such restrictions was exclusively for the maintenance of public order. That matter should be thoroughly examined, since it appeared that the Committee was imposing limits on the sovereignty of the State.

13. In the eighth sentence of paragraph 9, the Committee was telling the State that it could not derive its concept of morality from its religion and traditions, and that the concept of morality should be based on an amalgam of elements. That sentence was potentially dangerous.

14. With respect to the last sentence, he agreed with Mr. Pocar that States parties should report on all limitations, whether they had been used exceptionally or regularly. The Committee was entitled to receive all kinds of information about the limitations that States parties imposed.

15. Mr. HERNDL said he had a serious objection to the use of the word "ideology" in the eighth sentence of paragraph 9. The end of that sentence should be amended to read "... derived exclusively from the traditions of one particular religion or belief".

16. Since "national security" was referred to in article 19 (3) (b) but not in article 18 (3), Mr. Dimitrijević had concluded that it was not permissible to impose limitations for national security reasons. The other elements - public order, public health and morals - were mentioned in both articles.

17. In the fifth sentence of paragraph 9, the words enclosed in square brackets should be deleted because article 18 (3) contained a reference to public order; the rest of the sentence should be retained. He had no particular objection to the reference to "national security".

18. With regard to the question of provision of a remedy, mentioned in the penultimate sentence of paragraph 9, he noted that, since the obligation to provide a remedy concerned all substantive articles of the Covenant, it might not be necessary to refer to it. However, since the Committee was referring to the application of article 18 by the legislator, it might be advisable to mention the idea of provision of a remedy as a way of safeguarding against impermissible limitations.

19. Mr. AGUILAR said that he supported Mrs. Higgins's proposal regarding the second sentence of paragraph 9. With respect to the fifth sentence, the French and Spanish versions of article 18 (3) seemed to contradict each other. In the French version, "public" did not refer to "morals". Since article 18 (3)

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referred expressly to "public order", the words contained within square brackets in the fifth sentence should be deleted. In the same sentence, "national security" should be retained, since national security should not be the only reason for limiting the rights guaranteed in article 18 (3).

20. He agreed with Mr. Herndl that the word "ideology" should be deleted from the eighth sentence and replaced by the word "belief". With regard to the obligation to provide an effective remedy, he preferred the position taken by Mrs. Higgins. He considered that that obligation was addressed exclusively to the legislative power. In its comments on other articles, the Committee had not referred to the obligation to provide an effective remedy, and it should therefore not be included in the general comment on article 18.

21. Mr. LALLAH observed that although, as Mr. El-Shafei had noted, national security had an external dimension, the problem remained that the limitations that were imposed affected people inside the country. In any case, the difference between public safety and national security was not entirely clear.

22. The concept of "public health" was puzzling. He presumed that it concerned the health of all human beings, whether administered privately or publicly. Perhaps Mr. Dimitrijević could tell the Committee how that concept had been treated in the travaux préparatoires.

23. The concept of public morals posed a problem that might be impossible to solve within the confines of a general comment. However, the problem was, perhaps, academic. When a specific situation arose it might become clear whether the limitation was permissible and whether the level of that limitation was acceptable.

24. While he liked Mrs. Higgins's formulation for the second sentence, he suggested that the Committee should state, at the end of the sentence, that "... States parties should proceed from the necessity to protect the rights guaranteed under the Covenant, including the right to equality and non-discrimination on all the grounds specified in articles 2, 3, 5 and 26".

25. Mrs. Evatt had observed that the general comment did not refer to conscience and thoughts. Article 19 (3) dealt essentially with manifestations. Once a thought was manifested, it took the form of an expression, which was no longer a thought but which might include thought; the same held true for conscience. In his view, it seemed that higher priority was being given to freedom of conscience and thought than to freedom of religion and beliefs.

26. He agreed with Mr. El-Shafei that the Committee should not refer to "ideology" and that morality was something greater than a single religion or belief. He could accept the definition of morality as not being restricted to a particular religion. Lastly, the reference, in the penultimate sentence of paragraph 9, to the obligation to provide an effective remedy might not be necessary.

27. Miss CHANET said she was reluctant to accept Mr. Aguilar's comment on the differences between the English, French and Spanish versions of article 18 (3). In her view, the French and Spanish versions of the general comment should reflect the language used in the respective versions of the Covenant.

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28. With respect to the second sentence of paragraph 9, she did not consider it normal for a State party to determine the values to be protected. In paragraph 9, it might be more advisable to begin by stating what restrictions were possible under article 18 (3), and what the State could and could not do. It should be stated that, when a State had recourse to a limitation, it should explain - especially when it submitted a report - what it understood by that limitation and how it was justified with respect to public safety, order and health.

29. She agreed with Mr. Herndl's suggestion that the word "ideology" should be replaced by "belief". She would have great difficulty in accepting references to article 19 (3), since the Committee had not prepared a general comment on that article. Moreover, the restrictions contained in article 19 (3) concerned freedom of expression, which did not necessarily coincide with the freedom to manifest one's religion or beliefs.

30. Mr. NDIAYE said that, when the Committee considered draft general comments, the comments should be available in all of the official languages used in the Committee, since it was sometimes difficult to understand all of the subtleties of the English version. In any case, the Committee should refrain from adopting the draft general comment on article 18 until it was available in the official languages of the Committee.

31. The second sentence of paragraph 9 was extremely dangerous, since it should not be for the State party to determine what values were to be protected. Further, the fourth sentence was redundant since it repeated what had been said in the first sentence.

32. It should be borne in mind that the Committee was dealing not only with beliefs but with beliefs that were expressed and manifested. Some of those beliefs were exclusive. He therefore wondered whether a State with well-established secular traditions, where all religions were practised freely or where most of the population accepted the State's secular traditions, the manifestation of exclusive beliefs could prompt the State to take action to maintain public order. In that regard, the fifth sentence of paragraph 9 could prevent the State from taking measures to maintain public order when beliefs were expressed that affected the freedom of others.

33. He agreed that, in the eighth sentence of paragraph 9, the word "ideology" should be replaced by "belief". He inquired why countries with a single traditional religion should not be allowed to base their public morality on that religion. Would such countries have to provide instruction about religions and traditions that were alien to them?

34. Mr. PRADO VALLEJO said that, in his opinion, articles 18 and 19 should be seen as totally independent. The two articles referred to different ideas, rights and limitations, and each had its own legal scope and consequences. Article 19 referred to national security, in other words to situations where the very existence of a State might be under threat, and it was clear that in such circumstances, limitations on freedom could properly be imposed. Article 18, however, dealt with a totally different question, namely the freedom of religious belief, which was a matter of individual conscience. It was therefore vital to make a clear distinction between the two articles.

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35. The CHAIRMAN, speaking in his personal capacity, said he agreed with the general structure of the paragraph proposed by the Special Rapporteur. In his view, the word "public" in article 18 (3), referred to order, health and morals, as well as to safety. He agreed that it might be necessary to delete the reference to national security and to replace the words "values", "ideology" and "traditions" by more appropriate wording. On the question of a remedy, he retained an open mind and was prepared to go along with the majority view.

36. Mr. DIMITRIJEVIĆ said that he would attempt to sum up and accommodate the various views expressed by Committee members. There appeared to be a general consensus on the first sentence and on the proposal by Mrs. Higgins that, in the first part of the second sentence, the words "in determining the values to be protected" should be replaced by "in interpreting the scope of the permissible limitations". The aim of the sentence was to give States parties guidance when imposing restrictions and it was important not to give the impression that States parties should be ashamed of doing so, since in some cases a State had a duty to protect certain rights by restricting others. There had been no opposition to Mrs. Higgins' proposal to reinstate the third sentence from the original recommendation, which read: "In imposing restrictions, authorities should use the least restrictive means". In his view, reference did need to be made to national security, since that ground had been widely abused in the past, even if the countries concerned might have felt their interpretation was correct. In order to remove the doubts expressed by some members, the sentence could be worded as follows: "In particular, restrictions on the freedom to manifest religion or belief allowed in relation to other rights, such as those based exclusively on national security, are not authorized by article 18 (3). Because of the difficulties posed by the concept of public order and the danger of possible misunderstanding, the reference to it in square brackets should be deleted. The question was far too complex to be dealt with in a short general comment. In the sixth sentence, there appeared to be general agreement on Mrs. Higgins' proposal to replace the words "specific aim" by "specific need".

37. With regard to the eighth sentence, there were practical reasons for saying that limitations designed to protect morals should not be based on a concept of morality derived exclusively from a single religious tradition or ideology, since if a State did not allow for a modicum of pluralism in defining public morality, it was not meeting the standards set by the Covenant. There appeared to be a consensus in favour of maintaining the sentence, incorporating Mr. Herndl's proposal that the words "a single religious tradition or ideology" should be replaced by "the traditions of one particular religion or belief". With regard to the ninth sentence, opinions appeared to be divided on the question of the obligation to provide an effective remedy. The aim of the provision was to cover those laws which gave discretionary power to impose limitations. He suggested that the word "vital" in the ninth sentence might be omitted. With regard to the final sentence, while he acknowledged the point made by Mr. Pocar, he felt that, if something was done by way of an exception, the Committee was entitled to know the reasons on which the action was based. Perhaps it would be possible to delete the first part of the sentence and incorporate the amendment proposed by Mrs. Higgins.

38. Mr. SADI said he was unhappy with the first sentence of paragraph 9 because it placed the emphasis on the restrictions on the freedom of religion or belief, whereas article 18 (3) stressed the freedom itself. With regard to the rest of the paragraph, he would prefer to delete the second sentence, retain the third

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and fourth sentences, delete the fifth sentence, retain the sixth and seventh sentences, and delete the eighth sentence, which he found totally unacceptable. The ninth sentence was inappropriate since the question could be more properly dealt with under article 2 (3) of the Covenant, and the tenth sentence should be retained as amended. While he would welcome the views of other members on the concerns he had expressed, he felt that unless they were addressed it would be difficult to reach a consensus.

39. Mrs. HIGGINS said she fully endorsed the excellent proposals put forward by Mr. Dimitrijević. In reply to Mr. Sadi, she wished to point out that article 18 (1) provided for the freedom to manifest a religion or belief, whereas article 18 (3) was a permitted limitation clause and needed to be dealt with separately. However, she did agree that the right, rather than the limitation, should be kept to the fore. Mr. Dimitrijević had failed to take into account her proposal, which no one had opposed, that a sentence should be included making it clear that the limitations in question applied to the manifestation of a religion or belief and could in no circumstances apply to the freedom from coercion or the liberty of parents provided for in paragraphs 2 and 4 respectively of article 18.

40. Mr. EL-SHAFEI said he agreed with the proposal to replace the first part of the second sentence by the words "In interpreting the scope of permissible limitations". He was concerned that Mr. Dimitrijević had not taken into account his remark drawing attention to the repetition in the first and fourth sentences. With regard to the fifth sentence, he felt that national security was too broad a notion to be allowed as a reason for restricting the manifestation of religious beliefs. Such grounds had certainly never been invoked by countries in his region. While he understood the arguments put forward by Mr. Aguilar and Mr. Prado-Vallejo, he felt that the wording needed to be changed to make it more generally comprehensible. He suggested that the words "alleged to be" should be inserted before the words "based exclusively on". With regard to the eighth sentence, he observed that morals did not derive from one single religion or belief, but from a common heritage and a broad range of other historical and cultural factors. The purpose of the general comments was to facilitate the work of States parties and the Committee should be careful not to antagonize States by appearing to tell them that, if they had a single religion, their concept of morality could not be derived exclusively from it. Clearly, different wording was needed, perhaps along the lines suggested by Mr. Lallah. With regard to the ninth sentence, he wondered how a remedy could possibly act as a safeguard, since it was something which was only provided after the event.

41. Mr. AGUILAR said that he could accept the ninth sentence as modified by Mrs. Higgins and Mr. Herndl. In the fifth sentence, the phrase "based exclusively on national security" referred to the notion of national security mentioned in article 19 (3) (b), which encompassed national defence directed towards an external enemy, whereas the concept of public safety embodied in article 18 (3) concerned domestic security or the safety of citizens. He disagreed with Mr. El-Shafei's suggestion, with regard to the eighth sentence, that the Committee should accommodate diverse moral concepts so as to avoid antagonizing States parties. The Committee's role was to interpret the rights set forth in the Covenant. Article 25, for example, defined the voting rights of citizens, yet the standards it set forth were not enforced in most nations

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of the world. If the Committee accommodated the status quo, article 25 would have to be jettisoned. He therefore agreed with the eighth sentence as worded by Mr. Dimitrijević, with the minor modifications proposed by Mr. Herndl.

42. Mr. NDIAYE observed that article 18 of the Covenant did not address the question of how morals and religion should be taught. In a country where the entire population was of the same religious persuasion, that religion could indeed be taught under the terms of the Covenant without infringing on the rights of others. Turning to the Committee's procedures, he said that when a proposal had received a favourable response, it should be read out to the members at dictation speed. The current practice failed to take all views into consideration, and thus rendered consensus impossible.

43. The CHAIRMAN, replying to Mr. Ndiaye, said that, given the constraints affecting translation, the Committee was obliged to mark on the basis of an English text, which, if adopted, would in any case be provisional.

44. Mr. NDIAYE said that the text could not be adopted on the basis of a version in a single language; a decision had to be based on versions in all working languages.

45. Mr. PRADO VALLEJO proposed that the wording of article 18 (3), should be retained at the end of the fifth sentence of paragraph 9, and that the words "national security" should therefore be replaced by "public safety".

46. Mr. POCAR said he was inclined to accept the fifth sentence as modified by Mr. Dimitrijević, on the basis of the comments of previous speakers. He approved of Mr. Lallah's suggestion that the second sentence, concerning the concept of non-discrimination, should be amended to include "all" the grounds for discrimination cited in articles 2, 3, 5 and 26. The problem might also be solved by adding a phrase to the effect that restriction could not be imposed for discriminatory purposes, or applied in a discriminatory manner. The sentence would thus cover all grounds for discrimination, not only those based on religion. He agreed with Mr. Sadi with regard to the first sentence: States should not, on principle, be invited to limit rights; he therefore proposed that the words "States parties" should be deleted and that the beginning of the sentence should read "Article 18 (3) permits restrictions on the freedom to manifest ...".

47. Mr. DIMITRIJEVIĆ recalled that Mr. Ndiaye had remarked that article 18 made no reference to the teaching of religion. However, in the eighth sentence, the phrase "morality derived from a single religious tradition", had been retained in order to make it clear that the State could not use criteria based on a single religion to restrict religious freedom. He agreed with Mr. Pocar that the words "States parties" could be deleted from the first sentence to accommodate Mr. Sadi's objection.

48. He also agreed with Mr. El-Shafei that the second clause of the fourth sentence was repetitive, but the following sentence could not otherwise be introduced. The concept of national security was still at issue. The term "national security" was used in paragraph 9 precisely because it did not appear in article 18 (3). States should understand that national security was not a

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permissible ground for restriction of freedoms. It was not necessary to provide an explanation of the distinction between national security and public safety because restrictions on freedom of religion were not permissible under either concept.

49. He agreed with Mrs. Higgins' proposal that limitations relating to article 18 (3) should under no circumstances apply to article 18 (2) and (4) dealing with freedom from coercion and protection of the liberty of parents.

50. Consensus had not been reached on several issues. For example, he strongly felt that the term "national security" should be retained in the fifth sentence. The problem with regard to the eighth sentence was not the existence of a consensual morality, based on the views of a whole society, as described by Mr. El-Shafei; it was morality as the grounds for limitations deriving from a single tradition, which excluded others. But in the interest of creating a consensus, the eighth sentence could be deleted and the word "vital" would probably have to be deleted from the ninth sentence.

51. Mrs. HIGGINS, referring to Mr. El-Shafei's concerns, agreed that the ninth sentence could be deleted. She felt, however, that his views on the issue of "national security" might be based on a misunderstanding of the fifth sentence, which was intended to state that article 18 (3) did not permit restrictions on the freedom to manifest religion by reference to national security. The problem could perhaps be solved by reordering the sentence to make it clear that a State must stay within the limitations set forth in article 18 (3), which did not include national security. Mr. El-Shafei had interpreted the eighth sentence as implying that the moral system of a given region could not be based on the religion of that region. But in fact the sentence said that limitations could not be based on a single moral system. One point at issue was limitation, not the State religion as such, and the sentence could be reworded to make that clear.

52. Mr. EL-SHAFEI said that the deletion of the words "in particular" from the fifth sentence would resolve any possible ambiguity in the fourth sentence. He agreed with Mrs. Higgins that the words "based exclusively on" could be deleted from the fifth sentence and replaced by a phrase such as "by reference to". He was disposed to agree with Mr. Lallah's wording for the eighth sentence, with regard to moral systems. Lastly, he would not object to the ninth sentence if the words "stated in article 2 (3) of the Covenant" were deleted.

53. Mr. DIMITREJEVIĆ suggested that, with the assistance of Mrs. Higgins, he could provide an adopted version of the draft for the next meeting.

54. The CHAIRMAN said that there appeared to be a consensus in the Committee on the following points: first, that the sentence regarding remedy should be deleted; second, that the basic structure of the draft, with minor adjustments, should be retained; third, that the sentence regarding national security should be worded so as to accommodate the concerns of Mr. El-Shafei and Mr. Prado Vallejo; fourth, that the sentence regarding limitations deriving from morality should be reworded to emphasize the elimination of intolerance.

55. Mr. DIMITREJEVIĆ said that, since it was Mr. Wennergren and Mr. Sadi who had requested the inclusion of the word "exclusively" in the fifth sentence, the Committee would need their consent to delete it.

56. Mr. PRADO VALLEJO said he welcomed Mr. Dimitrijević's offer to prepare a written text with the assistance of Mrs. Higgins for approval at a future meeting. Each Committee member should also be able to consult the text in his own language.

57. Mr. WENNERGREN said he could agree to the deletion of the word "exclusively" from the fifth sentence if that idea could be expressed in other terms.

58. Mr. LALLAH proposed a version of the second sentence that would accommodate Mr. Pocar's concern: "In determining the scope of the permissible limitations, States should proceed from the need to protect the fundamental rights guaranteed under the Covenant, including the right to equality and non-discrimination on all the grounds specified in articles 2, 3 and 26 of the Covenant."

59. Mr. DIMITRIJEVIĆ said he approved of Mr. Lallah's version, which clarified the relationship between limitations and the protection of rights.

60. The CHAIRMAN said that, as a consensus had been reached on the text, he hoped that the Committee would be able to adopt it at the next meeting.

The meeting rose at 6.05 p.m.